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\*NOT ADMITTED TO THE NEW YORK BAR

November 10, 2020

**By ECF**The Honorable Gregory H. Woods  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 2260  
New York, NY 10007*Kaloma Cardwell v. Davis Polk & Wardwell LLP, et al.*  
No. 1:19-cv-10256-GHW (S.D.N.Y.)

Dear Judge Woods:

We represent defendants in the above-captioned matter.

We apologize for burdening the Court, but plaintiff filed his second amended complaint last night on ECF without redacting a number of documents and information marked as “confidential” and for which confidential treatment is sought in violation of the Court’s protective order in this case as well as the Court’s model protective order. As Your Honor is aware, the Court’s protective order requires that documents marked as confidential or for which confidential treatment is sought are to be filed in redacted form and served in unredacted form on the opposing party and filed under seal with the Court pending any disputes over the confidentiality designations. See ECF 89 at ¶¶ 17, 18; Your Honor’s Model Protective Order at ¶¶ 10, 11.

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The Honorable Gregory H. Woods

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We note that a number of media outlets already have made reference to these improperly filed documents.

We have attempted to obtain compliance with the Court's order from plaintiff, but he has so far declined to agree to do so.

We believe that the second amended complaint should be in full compliance with the Court's protective order in this case and that all information and documents marked confidential by defendants or for which confidential treatment has been sought should be redacted in any public filing pending full compliance with the Court's rules. We are concerned that plaintiff will correct the docketing error noted in the Court's most recent docket entry, but will once again file on the public docket materials designated as confidential without complying with the Court's protective order. We therefore respectfully request that the Court enter an order making clear to plaintiff that plaintiff should not do so in refileing his seconded amended complaint when he corrects the ECF deficiency the Court flagged earlier today. For the avoidance of doubt, we seek, for the time being, confidential treatment of all produced documents marked "confidential" as well as Firm material and work product prepared in the course of plaintiff's employment at the Firm and produced by plaintiff from files he retained following his departure from the Firm.

Respectfully submitted,

/s/ Bruce Birenboim

Bruce Birenboim

cc: David Jeffries, Esq.